

COUNTY OF YORK

MEMORANDUM

DATE: August 15, 2002 (PC Mtg. 9/03/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. ST-9-02, York County Planning Commission

Issue

This application, which was sponsored by the Planning Commission at its July 10, 2002 meeting, proposes amendments to the York County Subdivision Ordinance (Chapter 20.5, York County Code) to incorporate changes made necessary by recent amendments to the Code of Virginia.

Considerations/Conclusions

1. During the 2002 General Assembly session, Section 15.2-2260 of the Code of Virginia was amended to add a new subsection specifying certain mandatory requirements pertaining to the length of time that a preliminary subdivision plat (plan) is considered valid after its initial approval. The new subsection reads as follows:

F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided that the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plan approval, and upon ninety days written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.
2. To set the stage for review of the suggested amendments, it is helpful to review the basic plan/plat submission requirements set out in the Subdivision Ordinance. Basically, York County's subdivision review process consists of four (4) steps:
 - ? **Preliminary Plan** – an overall plan showing the entire area proposed for subdivision. Section 24.1-28 provides that a subdivider has one (1) year to file a Development Plan after the Preliminary Plan is approved. The Subdivision Agent is authorized to grant one six-month extension.
 - ? **Development Plan** – a detailed construction plan encompassing the entire subdivision or sections thereof. Section 24.1-29 provides that a subdivider has one (1) year to file a Final Plat for the sections covered by the Development Plan

after it has been approved. The Subdivision Agent is authorized to grant one one-year extension.

- ? **Final Plat** – the plat depicting the precise boundaries of the lots being created. Section 24.1-30 provides that a subdivider has six (6) months after notification of approval of the Final Plat to have the Record Plat submitted and recorded.
- ? **Record Plat** – the plat that is presented to the Clerk of the Circuit Court for recordation in the County's land records.

These sections of the Subdivision Ordinance are shown in the attachment to this memorandum along with the draft amendments proposed by staff.

3. Staff has worked closely with the County Attorney to compare the current Subdivision Ordinance requirements with the State Code requirements. This review has concluded that the County's requirements are basically consistent with Section 15.2-2260 since they allow more than one year after Preliminary Plan approval for submission of the Final Plat. In fact, the current Subdivision Ordinance requirements allow a Preliminary Plan to remain valid as long as the Development Plan is under review, and then allow an additional one-year after Development Plan approval for submission of the Final Plat. This timeframe is consistent with the "...*within one year of such approval or such longer period as may be prescribed by local ordinance...*" requirement of Section 15.2-2260. Nevertheless, we do recommend incorporation of the provisions of Section 15.2-2260 that allow the Subdivision Agent to revoke approval of a Preliminary Plan if it is not being diligently pursued after three (3) years from its date of approval. This would ensure the County's ability to require subdivision proposals that are not "active" to comply with zoning or subdivision amendments adopted during the three years subsequent to Preliminary Plan approval. These proposed additions are shown as the new Section 20.5-31.1 in the proposed draft amendments.
4. One additional minor amendment is proposed in Section 20.5-30(d) to remove an outdated State Code reference and to better track the language of that particular section of the Code (now numbered 15.2-2241.8). The proposed amendments set out the specific circumstances under which the time to record the final plat can exceed the six (6) months otherwise specified.

Planning Commission Recommendation

The Planning Commission considered this application at its August 14, 2002 meeting and, subsequent to conducting a public hearing at which there were no speakers, voted 5:0 to recommend approval.

County Administrator Recommendation

I recommend approval of the proposed amendments in order to provide consistency with recent changes in the State Code and to take advantage of options provided by the Code with respect to Preliminary Plans that are not being "diligently pursued." Proposed Ordinance

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No. 02-17 will approve this application and the proposed amendments. I recommend adoption.

Carter/3337:jmc

Attachments